

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RYAN DALE OLD CHIEF,

Defendant.

CR-16-73-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on November 29, 2022. (Doc. 92.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 28, 2022. (Doc. 90.) The United States accused Ryan Dale Old Chief (Old Chief) of violating his

conditions of supervised release 1) by using methamphetamine; 2) by knowingly viewing materials containing sexually explicit conduct; 3) by failing to report to his probation officer as directed; and 4) by failing to report for substance abuse treatment. (Doc. 87.)

At the revocation hearing, Old Chief admitted to violating the conditions of his supervised release 1) by using methamphetamine; 2) by knowingly viewing materials containing sexually explicit conduct; 3) by failing to report to his probation officer as directed; and 4) by failing to report for substance abuse treatment. (Doc. 90.) Judge Johnston found that the government failed to satisfy the burden of proof with respect alleged violation 3. (*Id.*) Judge Johnston found that the violations Old Chief admitted proved to be serious and warranted revocation, and recommended revocation of Old Chief's supervised release and recommended that Old Chief receive a custodial sentence of 8 months, with 24 months of supervised release to follow, with the first 60 days of supervised release in a secure inpatient drug treatment facility. (Doc. 92.) Old Chief was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 90.) The violations prove serious and warrant revocation of Old Chief's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 92) are **ADOPTED IN FULL. IT IS FURTHER**

ORDERED that Defendant Ryan Dale Old Chief be sentenced to the Bureau of Prisons for 8 months, with 24 months of supervised release to follow, with the first 60 days of supervised release in a secure inpatient drug treatment facility. Old Chief will serve his term of custody at the Federal Detention Center SeaTac.

DATED this 14th day of December, 2022.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court